

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Lloyd Andrew Shabaiash,

Civil No. 10-2268 (DWF/SRN)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Minnesota Department of Corrections,

Respondent.

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Lloyd Andrew Shabaiash, *Pro Se*, Petitioner.

Mark N. Lystig, Assistant Ramsey County Attorney, Ramsey County Attorney's Office;  
and Matthew Frank, Assistant Attorney General, Minnesota Attorney General's Office,  
counsel for Respondent.

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This matter is before the Court upon Petitioner Lloyd Andrew Shabaiash's ("Petitioner") self-styled objections to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated July 15, 2010, recommending that: (1) Petitioner's amended petition for a writ of habeas corpus be denied; (2) Petitioner's application for leave to proceed *in forma pauperis* be denied; and (3) this action be dismissed without prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Petitioner Lloyd Andrew Shabaiash's self-styled objections (Doc. No. [7]) to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated July 15, 2010, are **DENIED**.

2. Magistrate Judge Susan Richard Nelson's Report and Recommendation dated July 15, 2010 (Doc. No. [6]), is **ADOPTED**.

3. Petitioner's amended petition for a writ of habeas corpus, (Doc. No. [3]), is **DENIED**.

4. Petitioner's application for leave to proceed *in forma pauperis*, (Doc. No. [2]), is **DENIED**.

5. This action is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 23, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge